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takes that have come to his attention. If, however, the judges of the Supreme Court give us more liberty than is good for us, they are to be removed by the two houses of Congress. By this preservation of judicial review, the constitutional lawyer retains his function and most of his hard-won knowledge and insight. The federal system is to be altered somewhat and the powers of the nation increased at the expense of those of the states. This will make obsolete a little of our learning about the commerce clause, but it will raise new problems on which we can bring to bear most of our familiarity with the work of the Supreme Court in the past. Whatever anxiety Mr. MacDonald's book may bring to those who are adept in manipulating our present political devices, the constitutional lawyer may face its proposals with confidence that they hardly scratch the fundamentals that are dear and familiar to him.

THOMAS REED POWELL.

INTERNATIONAL LAW. By L. Oppenheim. Vol. II. — War and Neutrality. Third edition by Ronald F. Roxburgh. London: Longmans, Green & Co. 1921. pp. xlv, 671.

The second edition of this volume appeared in 1912. Since that date the law of war and neutrality has been subjected to strains so numerous and so severe that to prepare a new edition was obviously a task demanding great care. The author collected much new material; but he died in 1919, leaving the new edition far from being ready for the press. The editor has not asked sympathy for the heaviness of the burden cast upon him; but clearly it has been unusually difficult to determine what to omit and what to add and how to present the divergent doctrines urged in the World War.

As the time has not yet come for philosophical treatment of the recent and exciting events with which the new matter of this volume necessarily deals, the reader's estimate of the new text will depend largely upon the reader's own nationality. Doubtless the fairness of intent found in the earlier editions is found here also. Yet an American cannot avoid seeing, and saying, that those questions regarding neutral rights and liabilities which arose while the United States was still a neutral are not discussed precisely as they would be discussed by an American.

For example, although throughout the volume it is conscientiously stated that the Declaration of London, of 1909, concerning the rules of naval war, has never been ratified, and although in numerous places (pp. 132, 397-398, 534, 551, 556, 559, 561, 563, 574-575) it is explained that in the early months of the World War some countries, including England, announced a determination to embrace some of the provisions of the Declaration of London and to disregard others, and that later those countries changed their policy by disregarding all new provisions of the Declaration and by professing to act in accordance with pre-existing doctrines — as indeed was clearly their right — nevertheless the volume fails to discuss the view that it is improper to embrace part of a compromise settlement and repudiate the remainder, and especially improper when, as in the Declaration of London, there is an express provision that "the provisions of the present Declaration must be treated as a whole and cannot be separated."

Again, although there is mention of the protest made by the United States against the British order in council of March 11, 1915, and the French decree of March 13, 1915, prohibiting ocean commerce with Germany, and although the explanation given is that by failing to prevent German submarine practices the United States had acquiesced in such practices and must acquiesce in the results of reprisal (pp. 426-427), nevertheless it is not stated — doubtless because in England it was hardly realized — that the whole duty of a neutral country is to use due diligence, and that the United States had protested

against the submarine practices and had done as much as could be done without resorting to war.

Further, although the conversion of merchant-men into men-of-war on the high seas is accurately said (p. 113) to have been an open question when the World War broke out, and although it is said that "Great Britain, which belonged to the party denying a right to convert on the high seas, at once made it known that if German vessels, after leaving American ports, were converted into men-of-war on the high seas, it would hold the United States Government responsible for resulting damage," nevertheless the volume fails to realize that a scientific reader, or at least an American reader, would wish to know of the American protest, which insisted both that most of the Powers then allied with Great Britain held an opposite view regarding conversion on the high seas and that at any rate the utmost requirement from a neutral government would be due diligence.

To multiply such examples would give an impression that the volume is unfair. That would be a grave injustice, as is shown by many passages: for example, by the full statement of the controversy regarding long-distance blockade (pp. 540-544), and by the discussion of contraband (pp. 549-563).

Like its predecessors, this edition abounds in citations. To the learning found in treatises and in periodicals, as distinguished from decided cases, there is no more useful key.

E. W.

WAR AND TREATY LEGISLATION AFFECTING BRITISH PROPERTY IN GERMANY AND AUSTRIA AND ENEMY PROPERTY IN THE UNITED KINGDOM. By J. W. Scobell Armstrong. London: Hutchinson & Co. 1921. pp. xx, 489.

"The intention of this work is to provide a handbook and a fingerpost for the guidance of those who are led either by necessity or inclination to thread the maze of War and Treaty Legislation." This purpose, as stated in the preface, has been admirably executed. Such a handbook has been much needed in England, and lawyers outside of England who have to deal with the English legislation should find it helpful. The English legislation is embodied in so many Acts, Proclamations, Orders in Council, and executive and administrative constructions, that the task of digging it out has been very difficult. But the English lawyer has had to deal with the legislation in the "ex-enemy" countries, too, and translations of the important texts of this foreign legislation have been included here.

Parts I and II deal with the treatment of British property, rights and interests in Germany and Austria during the war, the reproduction of the texts being preceded by a narrative summary in each case. Part III deals in the same way with the treatment of enemy property, rights and interests in Great Britain during the war. Little attempt is made to express any comparative judgment of the legislation in various countries, though the author states that "the steps which eventually led to the extension of hostilities into every channel of commerce and finance were initiated by the Allied Powers." It would be interesting to have a comparative evaluation of this legislation and a treatise on the departures which it marks from pre-war custom and practice. The performance of that task has been rendered much more simple by the present volume.

Part IV deals with the economic clauses of the Treaties of Peace, and the legislation in England, Germany, and Austria in execution of them. This part of the book should prove serviceable to American counsellors in administering those parts of the Treaty of Versailles of which the benefits are to come to the United States by the Treaty of Berlin.

M. O. H.